

Notice of Allowability**Application No.**

10/529,702

Applicant(s)

MORELLI ET AL.

Examiner

Nissa M. Westerberg

Art Unit

1618

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Appeal Brief of October 4, 2010.2. ☒ The allowed claim(s) is/are 1-3, 7 and 8.3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).a) ☐ All b) ☐ Some* c) ☐ None of the:1. ☐ Certified copies of the priority documents have been received.2. ☐ Certified copies of the priority documents have been received in Application No. ____.3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.**Attachment(s)**1. ☐ Notice of References Cited (PTO-892)2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material5. ☐ Notice of Informal Patent Application6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20110110.7. ☒ Examiner's Amendment/Comment8. ☒ Examiner's Statement of Reasons for Allowance9. ☐ Other ____./Nissa M Westerberg/
Examiner, Art Unit 1618/Michael G. Hartley/
Supervisory Patent Examiner, Art Unit 1618

EXAMINER'S AMENDMENT

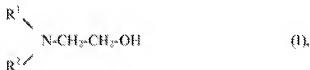
1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jim Barr on January 10, 2011.

The application has been amended as follows:

In the Claims:

In claim 1, line 7, delete --electrolyte-- and insert the --ethanolamine derivative of formula I, or a topically acceptable salt thereof:



wherein in formula I, R¹ and R² independently represent hydrogen, C₃₋₆ cycloalkyl or C₁₋₆ alkyl, optionally substituted with hydroxy, ethoxy, oxo or formyl--.

Claim 6 is canceled.

In claim 7, in line 1 replace --claim 6-- with --claim 1--.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance: the arguments set forth in the Appeal Brief of October 4, 2010 are persuasive in regards to the amended claims reflected by the above amendments to the claims wherein the electrolyte component (d) is an ethanolamine derivative present in an amount of at least 0.5 wt. %.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nissa M. Westerberg whose telephone number is (571)270-3532. The examiner can normally be reached on M - F, 8:00 a.m. - 4 p.m. ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Hartley can be reached on (571) 272-0616. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael G. Hartley/
Supervisory Patent Examiner, Art Unit 1618

/Nissa M Westerberg/
Examiner, Art Unit 1618